CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE SEVEN HUNDRED AND THIRTY-SIXTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 May 1996, at 10 a.m.

President: Mr. Akram (Pakistan)

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The PRESIDENT: I declare open the 736th plenary meeting of the Conference on Disarmament.

It is an honour for me to assume the presidency of the Conference on Disarmament at this time. The wheel of fortune has placed Pakistan in this office at a delicate and intense moment.

It is quite understandable that the attention of delegations - and indeed world public attention - is focused on the conclusion of our historic negotiations for a comprehensive test-ban treaty. The successful conclusion of these negotiations will not only enhance the prestige of this body, it will contribute to halting nuclear arms development, promoting nuclear non-proliferation and strengthening international peace and security. No doubt, success in these negotiations will generate further public expectations regarding the future role of this Conference - the sole multilateral disarmament negotiating body.

As President of the Conference, I shall remain prepared to assist the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, in any way possible to ensure the early and successful conclusion of the negotiations.

During my brief tenure, I shall also endeavour, with the cooperation of all concerned, to advance the work of the Conference on several outstanding issues, building on the very useful work done by my predecessors.

One of the most important among these outstanding issues is the expansion of the Conference on Disarmament. In his concluding remarks, my predecessor Ambassador Abuah had expressed some optimism regarding the possibility of a satisfactory resolution of this issue which has been pending for nearly three years. I intend to conduct consultations with all the concerned delegations and groups, including those States whose membership of the Conference was approved and is awaiting implementation in accordance with the Conference's decision in document CD/1356. The expansion of the CD constitutes an essential step in imparting a broader representative character to the negotiations for global disarmament. This larger membership will also reflect more accurately the new realities of the world. It will enable us to explore broader dimensions of the disarmament agenda, ensure greater depth and substance to the CD's deliberations and lend greater credibility to its decisions.

Earlier this year, when the Conference adopted its decisions concerning the agenda and the programme of work for 1996, it entrusted the President to conduct "intensive" consultations on the issue of nuclear disarmament. Unfortunately, so far, these consultations have not led to a decision. I believe a positive decision on this important question is essential for the CD to sustain its credibility and to facilitate the endeavours in the field of disarmament. Indeed, such a positive decision could even help to create the conditions required for the successful conclusion of the CTBT negotiations, where concern regarding the prospects of nuclear disarmament remains a central issue. I intend to hold intensive consultations with delegations on this

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issue. Following these consultations, further steps could be considered, including an informal meeting of the Conference to determine how best the issue of nuclear disarmament could be addressed in the CD in future.

The issue of the CD's agenda is gaining growing importance as we approach the end of the CTBT negotiations. Our Special Coordinator has presented an oral report which will also be circulated today. There was a useful preliminary exchange of views following Ambassador Meghlaoui's report. It will be important to keep this matter under active consideration. With Ambassador Meghlaoui's cooperation, I hope to convene one or more open-ended informal consultations with a view to ascertaining the areas on which progress could be made with regard to revising the CD's agenda, and, secondly, evolving an understanding on the issues on which negotiations should be commenced after the conclusion of the CTBT.

In securing the fulfilment of these goals, I shall continue to rely on the good will and cooperation of all delegations and on the constant and invaluable support of Secretary-General Petrovsky, Deputy Secretary-General Bensmail and other members of the CD secretariat.

I have on my list of speakers for today the representatives of Netherlands, Australia and Kenya. I would now like to give the floor to the representative of the Netherlands, Ambassador Ramaker, in his capacity as Chairman of the Ad Hoc Committee on a Nuclear Test Ban.

Mr. RAMAKER (Netherlands): I am pleased to see you in the Chair, and honoured to be the first speaker today under your presidency. I am confident that we will have excellent cooperation in this very crucial month of the existence of the CD, and I am most grateful for the support that you indicated that you would give me in my task as Chairman of the Ad Hoc Committee on a Nuclear Test Ban. I would also like to thank Ambassador Abuah, my successor and your predecessor, for the keen interest that he has shown in the work of the Ad Hoc Committee and in the gentle but wise way he has advised me during his tenure for the conduct of my work. Lastly, I would very much like to welcome Mr Davinic here, who has come from the Centre for Disarmament in New York to attend this crucial part of the nuclear-test-ban negotiations.

The day before yesterday I introduced in the Ad Hoc Committee on a Nuclear Test Ban the draft of a complete text of the comprehensive test-ban treaty we are currently negotiating. In my view, tabling such a complete text was essential in this late stage of the negotiations with a little over four weeks to go. Only in this way, delegations can see all outstanding issues, major and minor, in their proper context, in their interrelationship. Only in this way, with my text on the table, delegations will be able to see those issues as part of an integrated whole. By looking at the issues as a whole, delegations will hopefully also be able to see the overall balance that we have tried to bring about.

Today I take the floor, not as representative of the Netherlands, but in my capacity as Chairman of the Ad Hoc Committee on a Nuclear Test Ban, to explain in more detail some of the thinking that prompted me to follow one path rather than another with regard to a number of the key outstanding

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political issues in my draft. I particularly wish to address the preamble, the basic obligations and the on-site inspection regime of the treaty as well as the questions of the composition of the Executive Council and entry into force.

There is no need to remind delegations of the many proposals that in the course of our negotiations were made by delegations with regard to the preamble. Few of these proposals were uncontested. Those that were, found of course their place in the draft text. But where major differences existed, we have been carefully considering formulations that could indicate where the balance between the desirable and the attainable could be found. We have tried for instance to find the proper wording for the place a comprehensive test-ban treaty should occupy in the process of nuclear disarmament as such. Our text also tries to find the proper wording to describe the relationship between the treaty and the qualitative improvement and development of nuclear weapons.

So, the preamble in my text stresses "the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control".

The preamble in my text also expresses the conviction that "the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects".

The contribution that a comprehensive test-ban treaty can make to the process of nuclear disarmament has been reflected in the preamble by recognizing that the treaty "will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament".

As in other disarmament treaties, in my draft I have opted for the term "basic obligations". After all, the scope of the treaty in my draft, that is, what the treaty intends to prohibit, comprises more than one obligation: States parties should not only refrain from all nuclear weapon test explosions and all other nuclear explosions, but they should also prohibit and prevent those at any place under their jurisdiction and control. Moreover, States parties undertake to refrain from causing, encouraging or in any way participating in the carrying out of any such explosions.

I have seriously considered proposals aimed at further defining the scope of the treaty. After careful study I had to conclude that in trying to do so, the consensus potential that the present formulation has would very quickly diminish drastically.

In this context, I finally wish to draw attention to the relationship that exists between the basic obligations as formulated in my draft scope text and the conviction expressed in the preamble that the comprehensive test-ban

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treaty would constrain the development and qualitative improvement of nuclear weapons and would end the development of advanced new types of nuclear weapons.

In the draft I tabled earlier this week, I have sketched out an on-site inspection regime that tries to balance the concern that the regime should contribute effectively to the verifiability - and therefore the credibility - of the treaty, on the one hand, and concerns that the inspection regime should not jeopardize legitimate security concerns of States parties or even be abused or used in a frivolous manner on the other.

Concerns of the latter kind, in my view, are of course real, in particular if an on-site inspection regime were to combine unrestricted use of any kind of information, without any qualification, with the near-automaticity with which the Executive Council could decide to carry out an on-site inspection under a so-called "red light" procedure.

From the last weeks of our negotiations I have concluded, therefore, firstly, that the use of information derived from national technical means in the verification framework of the treaty should be acceptable in principle, but not in an unqualified manner. So my draft qualifies that the use of such means should be "consistent with generally recognized principles of international law". This notion has been included in the general provisions concerning verification so that such use could meet general verification needs under the treaty.

Secondly, balancing the concerns outlined above, I have also opted for a so-called "green light" procedure rather than a "red light" procedure for launching an on-site inspection. More specifically, my text requires a decision of the Executive Council based on a majority of all its members. Thus an on-site inspection, once approved, carries the weight and authority of the Executive Council, as the representative body of all States parties, rather than of only the requesting State party.

In the rare case, in my view, that an on-site inspection will be carried out, my text aims at achieving a balance in the regime for the conduct of such an inspection. This balance consists of an inspection that can be conducted as effectively as possible, on the one hand, but with overflight and access provisions on the other hand that guarantee respect for legitimate security concerns of the inspected State party during the inspection.

I carefully listened to the debate last week on the composition of the Executive Council of the future treaty organization. From that debate I understood that delegations generally welcomed the proposal drafted by the Friend of the Chair on that subject. The most important comments concerned the number of seats allocated to some groups. I have seriously considered the various views expressed on this issue, but nevertheless judged that it would not be prudent to change the overall number of 45 nor the distribution of the number of seats among the various groups. Too many claims for more seats could have resulted in a large and unwieldy Executive Council, where most delegations expressed the wish for a small Council that could operate efficiently. Some delegations also expressed concerns about the criteria for

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designation of members of the Council. These criteria relate to nuclear capabilities, the number of monitoring facilities, experience in monitoring technology and financial contribution of States parties. I have tried here to balance the text so as to leave more flexibility to the geographical regions in applying those criteria, by indicating that Executive Council members should be designated not "according to" the four criteria, but "taking them into account".

After the meeting on entry into force last Thursday, I realized that, at the moment, no clear-cut solution acceptable to all - no magic formula, if you wish - exists for the entry into force of the CTBT. The provision that the treaty will enter into force after ratification by 37 States which are responsible for either a primary seismic monitoring station or a radionuclide laboratory was also criticized. Nevertheless, a number of delegations expressed an interest in this formula, and indeed it seems to indicate the way forward.

As I have said, we are a little over four weeks away from the day, the last day of this part of the session, on which we have to conclude the negotiations. With so little time left, I would have failed as a Chairman of the Ad Hoc Committee in which these negotiations are taking place if I had not provided delegations with a complete treaty text now. I sincerely hope that delegations will study this text carefully. It reflects my best judgement on where the potential for final agreement can be found. My judgement of course will have to be put to the test, no doubt a severe test of the negotiations that still lie ahead of us, before we have accomplished our task. In the remainder of this week I will make proposals for an optimal structure for our negotiations for the coming weeks. My only yardstick will be how best my proposals can serve the desired outcome. I myself will spare no effort to facilitate negotiations. I am confident that we can succeed. And succeed we must!

The PRESIDENT: I thank the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, who is also the representative of the Netherlands, for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Australia, Ambassador Starr.

Mr. STARR (Australia): Mr. President, it is undoubtedly our good fortune that the wheel of fortune has turned as it has and delivered you into the presidency. Allow me to offer the congratulations of my delegation on your assumption of office and assure you of our full cooperation and support. May I also express my appreciation for the work and achievements of your predecessor, Ambassador Abuah?

I have asked for the floor this morning to register some views on the CTBT negotiations. Australia believes that as a Conference we now stand poised and equipped to complete these negotiations in the four remaining weeks. We are encouraged by the growing sense of momentum and the flexibility and commitment shown by delegations. We believe the vast majority of delegations sense that we are close to the achievement sought for so long by many countries.

(Mr. Starr, Australia)

Like other delegations we are still studying the draft CTBT text tabled on 28 May by the Chairman of the Nuclear Test Ban Ad Hoc Committee, Ambassador Ramaker. We have also taken careful note of Ambassador Ramaker's plans for a programme of intensive consultations and negotiations over the coming few weeks.

In looking at CD/NTB/WP.330, I can say immediately that the Chairman's text reflects the deft touch, hard work and highly professional approach of Ambassador Ramaker and his delegation. We can also see from a preliminary reading that the language, structure and concepts in WP.330 should be largely familiar to all participants in these negotiations. We welcome the fact that this text is firmly grounded in the collective and tireless efforts of delegations and officers of the Ad Hoc Committee over the past two years and more. In this regard, I wish to pay particular tribute to the work of Ambassador Zahran, Ambassador Berdennikov and various Friends of the Chair whose guidance, energy and leadership produced much of the forward movement in the first part of this session that the Chairman of the Ad Hoc Committee has been able to harness. This has been an impressive team effort.

It does not follow from what I have said that the Chairman's text necessarily represents what we would have wished to see nationally. We are considering the significance of its content and the choices made by the Chairman and look forward to participating in the follow-on process. We recognize that this applies equally for other delegations.

But the Australian delegation accepts that this latest step in the process initiated by our Chairman is the best, and indeed only, means by which we can see the negotiations being finished successfully. Like other delegations we view the timely production of an outcome - an agreed treaty text as required by the international community - as the imperative which determines the procedures we use in working towards consensus. With this text, and the negotiated resources of the rolling text, we have the means to conclude the task before us.

At the outset of the 1996 session, this Conference collectively appointed Ambassador Ramaker to take up responsibility for the CTBT negotiations in the explicit expectation that he would lead our deliberations towards a successful outcome at a point that now lies barely a few weeks away. We have not been disappointed. We believe the steps he has taken have been appropriate and effective. We consider that, at this stage, a Chairman's text is the necessary vehicle to drive the final and decisive phase of our negotiation, and we give our full support to the process being initiated by Ambassador Ramaker.

It is time to conclude these negotiations. We have the tools to conclude. Whether we do or not and, in particular, whether we engage fully in the negotiating process set before us by Ambassador Ramaker will now reflect the seriousness of purpose that we bring to this task.

The PRESIDENT: I thank the representative of Australia for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Kenya, Ambassador Tolle.

Mrs. TOLLE (Kenya): Mr. President, let me at the outset begin by congratulating you on your assumption of the presidency of the CD at this crucial phase of our deliberations. Given your impeccable credentials as a skilled diplomat and negotiator, my delegation has full confidence that you will steer our task to the expected fruitful conclusion. My delegation wishes to assure you of its continued participation and support. May I also pay tribute to your predecessor, the distinguished and dynamic Ambassador of Nigeria, without whose guidance and discernment we would not have achieved the tremendous progress we have made during his tenure in office? Allow me also to welcome our colleague Ambassador Fisseha Yimer of Ethiopia, who has recently joined us as his country's Permanent Representative in Geneva and leader of the Ethiopian delegation to the Conference on Disarmament.

As I stated in my opening remarks, the Conference on Disarmament has reached a crucial phase in its negotiations for a comprehensive test-ban treaty. With only five weeks to go to conclude the treaty text, as expected by the international community, my delegation is concerned that the rolling text still remains heavily bracketed. A solution to the current stalemate, to various outstanding and seemingly thorny issues such as scope, on-site inspections, the role of the international monitoring system, international data centre and national technical means must be found. We call upon delegations to demonstrate political will by reviewing their positions to pave the way for the achievement of our goal. To this end, we are grateful to Ambassador Jaap Ramaker, who, in his capacity as Chairman of the Ad Hoc Committee on a Nuclear Test Ban, circulated working paper CD/NTB/WP.321 which provided an outline of a draft CTBT. We will all recall that, at the beginning of this session, Ambassador Ramaker, in his untiring efforts, introduced a new method of work at the meetings of the Ad Hoc Committee on a Nuclear Test Ban whose aim is to focus on the main outstanding issues and thereby accelerate the pace of progress in view of the time factor. The exchange of views we have had during the past two weeks has been very useful. We are also grateful for the Chairman's draft comprehensive nuclear-test-ban treaty text that was presented to the Ad Hoc Committee on 28 May 1996, introduced by Ambassador Ramaker this morning, which we are studying very carefully. We hope to make comments on this text at a later stage. However, my delegation is greatly concerned that to date no negotiation of the text has taken place at the NTB Ad Hoc Committee meetings. Time is of the essence, and if we are to make progress - and progress we have to make - my delegation is convinced that we should now focus our negotiations on the existing rolling text.

Kenya believes that the CTBT should ban all nuclear tests in all environments for all times. This is envisaged in the mandate of the Ad Hoc Committee on a Nuclear Test Ban: to negotiate intensively a universal and multilaterally verifiable comprehensive test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security. My delegation is opposed to any proposal that would allow selective testing. Anything short of a ban on all nuclear tests would not augur well for the CTBT as its objective would have been rendered impotent. Consequently, it is our view that the preamble should set out the principles and objectives of the treaty which are

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stipulated in our negotiating mandate, and should reflect the context in which the treaty was negotiated. Reference should also be made to the fact that some of the objectives of the treaty are to contribute to the promotion of non-proliferation of nuclear weapons in all its aspects, to prevent the qualitative development of nuclear weapons, and thereby promote nuclear disarmament. The treaty and its preamble should be subjected to periodic review to ensure that their objectives are being realized.

We welcome the offer by the Austrian Government to host the seat of the organization of the CTBT in Vienna. This offer is attractive as it entails the co-location of the CTBT organization with IAEA, whose administrative and support structure as well as its specific experience in verification would contribute to a reduction in start-up costs. Hence, my delegation joins others in agreeing that the seat of the organization shall be in Vienna, Austria. As regards the Executive Council, my delegation joins others in expressing our appreciation to Ambassador Bejelloun-Touimi for his commendable work in coming up with a non-paper, in his capacity as Friend of the Chair for the Executive Council, which we believe is a good basis for work. Kenya, however, like other African countries, is of the view that a better formula on the distribution of seats to the various regions, consistent with the provisions of the current rolling text, should be applied to reflect regional equitability and avoid marginalization. Furthermore, my delegation does not see the merit of granting permanent seats in the Executive Council. We should not lose sight of Africa's commitment to outlaw nuclear testing and the possession of nuclear weapons on its soil which was clearly demonstrated by the signing of the African Nuclear-Weapon-Free-Zone Treaty in Cairo, Egypt on 11 April 1996 by 45 African States, as well as 4 nuclear-weapons States and Spain. We hope that the remaining nuclear-weapon State will also sign the protocols.

Kenya has been identified as a host for a primary seismic station and an infrasound station for the international monitoring system of the CTBT at Kilimanbogo. The request which has been conveyed to the relevant authorities in Nairobi has been received favourably. My country looks forward to playing its active role and rendering full cooperation in this field. This is supported by the fact that the Government of Kenya has recently nominated Dr. Dindi from the Department of Geology of the University of Nairobi as its representative to GSE. My delegation hopes that the necessary funding can be arranged to upgrade and maintain the station at Kilimanbogo to meet the appropriate requirements for an IMS station, as well as the training of Kenyan scientists in transmitting, receiving and analysing data to and from the IDC. Furthermore, my country would be willing to consider any request for additional stations that may be required.

Kenya believes that the international data centre should perform the central function of verification by screening and analysing all events on a daily basis for the States parties. In our view, option 3, as listed in working paper CD/NTB/WP.312 of the Friend of the Chair on IDC, would best serve our purposes as all States parties do not have the capability to screen and analyse the data. On-site inspections should be the last recourse and should be conducted in the least intrusive manner following Executive Council approval.

(Mrs. Tolle, Kenya)

Kenya is a State party to the Non-Proliferation Treaty and has no intention of ever developing nuclear weapons. In view of the fact that the provisions of the NPT state that all parties to the treaties are entitled to participate in the fullest possible exchange of scientific information for, and to cooperate alone or in cooperation with other States to, the further development of applications of atomic energy for peaceful purposes, and taking into account that some economies, particularly those in Africa, are being liberalized, we expect those countries that already possess this technology to share the knowledge without discrimination through the transfer of nuclear energy for peaceful purposes.

During the first part of this session of the CD, the Group of 21 tabled a formal proposal calling for the establishment of an ad hoc committee for nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament for the eventual elimination of nuclear weapons within a specific time-frame. Kenya believes that, following the conclusion of the CTBT, the CD should focus its attention on nuclear disarmament.

The issue of the expansion of the membership of the Conference has been on our agenda for a number of years. The Conference on Disarmament, as it currently stands, does not reflect the reality of today's international community. This forum has heard numerous appeals for the implementation of the CD decision on expansion contained in document CD/1356. Kenya wishes to reiterate her calls for the admission of all the 23 delegations as members of the Conference in order to make this forum more representative of the international community.

The PRESIDENT: I thank the representative of Kenya for her statement and for the kind words addressed to me. That concludes the list of speakers for this plenary meeting. Does any other delegation wish to take the floor at this stage? I see none.

I would just like to inform you that the secretariat has circulated an informal transcript of the preliminary remarks made by the Special Coordinator on the review of the agenda, Ambassador Meghlaoui of Algeria, in English and French. I believe that this transcript is already with delegations.

The secretariat has also circulated at my request a tentative timetable of meetings to be held next week. This timetable was prepared in consultation with the Chairman of the Ad Hoc Committee on a Nuclear Test Ban and is, as usual, merely indicative and subject to change if necessary. The details of the meetings will be indicated by the Chairman of the Ad Hoc Committee, either in the open-ended bureau or in the Committee itself. On this basis, may I assume that the timetable is acceptable?

It was so decided.

The PRESIDENT: The next plenary meeting of the Conference on Disarmament will be held on Thursday, 6 June 1996 at 10 a.m.

The meeting rose at 11 a.m.